

**REGULAR SESSION   RUSH COUNTY BOARD OF COMMISSIONERS   APRIL 23, 2012**

The Rush County Board of Commissioners met in regular session, Monday, April 23, 2012 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order, Ken Masters made the motion to approve the minutes of the April 9 2012 meeting as presented. Marvin Cole seconded the motion. Motion carried.

Commissioner Barnes welcomed Mrs. Geise 3rd grade students to observe the commissioners meeting as they were taking a tour of the courthouse.

**AREA PLAN**

Bill Todd, Area Plan Director, introduced Kate Singleton as the new Assistant Area Plan Director.

Todd reported that the first draft of the chicken ordinance would be introduced to the APC board this week.

**EMA**

Chuck Kemker, EMA Director, informed the commissioners that he has discovered that a "Continuity of Operation Plans" was never approved by the commissioners as previously indicated. Marvin Cole made the motion to approve the "Continuity of Operation Plans". Ken Masters seconded the motion. Motion carried. Leigh Morning will prepare the ordinance.

**SHERIFF**

Jeff Sherwood, Sheriff, reported thirty-five (35) inmates currently incarcerated in the Rush County jail.

Sherwood announced that part-time employee Dahl Petry will be retiring Friday, April 27, 2012. Petry began as a reserve deputy in 1995 and then became a part-time deputy. His duties were the counties process server. Danny Lacy will be taking over this position.

Sherwood was advised to be on the watch for the increase of running dogs.

**HIGHWAY**

Jerry Sitton, Highway Superintendent, presented the commissioners with the 2011 Annual report to review and to approve at the following meeting.

Ken Masters made the motion to approve the submission for an application of additional funds in the amount of \$566,000.00 for the Carthage Pike project. Marvin Cole seconded the motion. Motion carried. The additional funds are for road rehabilitation.

### **INSURANCE**

Discussion was held regarding the crime policy portion of the county liability insurance. The consensus was to stay with the current coverage amount.

### **INDIANA HI-RAIL PROPERTY**

Ken Masters brought forward discussion on a former Indiana Hi-Rail property that had gone thru the commissioners certificate sale in 2010. Barre Wainwright is interested in purchasing the property. Leigh Morning reminded the commissioners that they had decided to not hold a certificate sale this year. Deborah Adams informed the commissioners that the property was purchased during the previous certificate sale. The individuals did not properly proceed and the surplus was used to pay off the taxes. The parcel will not go on tax sale for another year and a half or considered for a certificate sale due to there are no back taxes due.

### **RUSH COUNTY PLAYERS**

Donita Davis appeared on behalf of the Rush County Players before the Commissioners to ask permission to use the ground level of the courthouse for their upcoming production July 26, 27, 28, and 29. Davis also requested practice dates during each Monday evening of July.

Davis also requested August 18, 2012 for the annual membership drive and Hammy Award Celebration.

Deborah Adams recommended to the commissioners that she be allowed to first look at the courthouse activity calendar that is maintained in her office. Marvin Cole made the motion to take the request under advisement to allow the dates to be checked. Ken Masters seconded the motion. Motion carried.

### **AUDITOR**

Deborah Adams, Auditor, received approval on payroll claims for the period ending April 27, 2012 on a motion from Marvin Cole. Ken Masters seconded the motion. Motion carried.

Bi-weekly claims ending April 17, 2012 were approved on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

Adams informed the commissioners that she will be attending the spring State Board of Accounts called meeting to be held in Elizabeth town at the southern part of the state the week of May 14, 2012.

The Surety bond was approved on Circuit Court Reporter Patricia Muir on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

### **COURTHOUSE**

Ken Masters made the motion to set the date to receive and open bids for courthouse maintenance on Monday, May 21, 2012. The sealed bids will be opened at 9:30 a.m. Marvin Cole seconded the motion. Motion carried. The same specifications will be used as previously and they will be available on the county website and in the auditor's office.

### **ASSESSOR**

Leigh Morning informed the commissioners that she had reviewed both bids submitted. Mary Ann Bridges had recommended the Nexus Group which is what her office is currently using. Morning stated that the Nexus Group was also the low bidder. Ken Masters made the motion to approve the bid submitted by the Nexus Group. Marvin Cole seconded the motion. Motion carried.

### **PUBLIC HEARING - MOSCOW ALLEY CLOSING**

The commissioners heard public comment at 9:30 am on the petition to vacate a public alley way located in Moscow. Tracy Newhouse representing the petitioners, Jim and Connie Wendel spoke before the commissioners outlining that the unimproved alley is not used. Newhouse informed the commissioners that there is a large septic mound and a stump in the alley and no one is even aware of the alley located in the area.

Linda Baker who was present, voiced objection to the closing of the alley. Baker explained that she and her husband John own the property adjoining the alley and that the septic mound located in the alley is theirs. Baker explained that Mrs. Wendel does not want the septic on her part of the alley.

Tracy Newhouse questioned the commissioners as to why a septic mound was allowed in a public way. Newhouse explained that the Bakers have access to the septic mound from their property, and the mound is blocking the alley.

Tom Barnes explained that the commissioners have no legal jurisdiction over the septic mound. Barnes did ask when it was installed. Mrs. Baker shared that it was built in 2001 while the Moscow was still in place. Mrs. Baker indicated that due to the small area Wendel Hester gave them a 100 year ROW. Mrs. Baker stated that they was not aware that the septic mound was being build on an alley.

Jerry Sitton advised everyone that according to Indiana Code, as a result of the hearing having an objection three viewers must be appointed to go view the alley and report back to the commissioners. Since there is an objection nothing can be done today. Tracy Newhouse stated that he would need to see the code stating this.

Sitton clarified that just because the unimproved alley does not have stone on it does not make it an alley. The alley can easily be used by utility companies.

Tom Barnes shared that the county has many alleys that are not needed and are unimproved. Barnes did ask both parties if the commissioners did close the alley, can they work together on the location of the septic mound. Both parties shared their concerns.

Ken Masters made the motion to take the matter under advisement and to appoint three (3) individuals to view the alley and to provide some direction. Marvin Cole seconded the motion. Motion carried.

Tracy Newhouse asked the commissioners if there would be another public hearing. Leigh Morning advised Newhouse that she would review the Indiana Code and would address his question at the May 7, 2012 commissioner meeting.

Marvin Cole made the motion to close the hearing. Ken Masters seconded the motion. Motion carried.

### **WIND MILL FARMS**

John Saxon questioned the commissioners if they have looked into the three (3) companies proposing the wind turbines backgrounds. Tom Barnes responded that no, he has been reading other information regarding the wind turbine itself. He has not yet researched the financial side of the companies.

Saxon asked if the commissioners will do independent research. Tom Barnes replied that yes they will.

Motion to adjourn was received from Marvin Cole. Ken Masters seconded the motion. Motion carried.

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| <u>/s/Tom Barnes</u> | <u>/s/Marvin Cole</u> | <u>/s/Ken Masters</u> |
| Tom Barnes, Chairman | Marvin Cole           | Ken Masters           |

ATTEST:

/s/Deborah C. Adams  
Deborah C. Adams, Auditor